

THE CITY OF CLAYTON

Board of Aldermen Meeting
Council Chambers - 10 N. Bemiston Avenue
August 28, 2012
7:15 p.m.

Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Andrea Maddox-Dallas, Cynthia Garnholz, Mark Winings, and Alex Berger III.

Mayor Goldstein
City Manager Owens
City Attorney O'Keefe

Absent: Joanne Boulton

Mayor Goldstein asked for any questions or comments relating to the August 14, 2012 minutes, which were previously provided to the Board.

Alderman Garnholz moved to approve the August 14, 2012 minutes. Alderman Maddox-Dallas seconded the motion.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

A PUBLIC HEARING AND RELATED ORDINANCE TO CONSIDER AMENDMENTS TO CHAPTER 405, ZONING REGULATIONS, TO INCLUDE DRIVE THROUGH ESTABLISHMENTS FOR FINANCIAL INSTITUTIONS AS A CONDITIONALLY PERMITTED USE IN THE NEIGHBORHOOD COMMERCIAL (C-1) ZONING DISTRICT

Alderman Harris moved to consider Bill No. 6345, an ordinance to approve text amendments to Chapter 405 to allow drive through establishments and request proof of publication. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

City Manager Owens reported that this is a public hearing and subsequent ordinance for the Board of Aldermen to consider a private application for a text amendment to the City's Zoning Regulations to allow drive through establishments for financial institutions as a conditionally permitted use in the in the Neighborhood Commercial (C-1) zoning district. Within the C-1 zoning district, financial institutions are currently permitted by right; however, drive-throughs are not permitted. Drive-throughs associated with financial institutions are currently allowed by conditional use approval in the C-2, HDC and S-1 zoning districts.

Each zoning district has a list of uses that are permitted by right (known as “permitted uses.”) However, there are certain uses that may be more intensive or beyond the intent of those permitted uses. When this occurs, the Zoning Regulations specify that certain uses may be requested via the Conditional Use Permit process. Conditional uses are uses considered to be desirable, but, which by their nature and if not controlled properly, can create problems such as a tendency to generate undesirable traffic volume and noise. Consequently, these uses tend to have a detrimental impact on adjacent properties. Conditions imposed via the conditional use permit process must be based on valid land use concerns of health, safety and welfare. Conditional uses generally cannot be denied in the absence of sufficient evidence that the proposed use substantially threatens the welfare of the community.

Drive-through facilities for financial institutions are not listed as a permitted or conditional use in the C-1 zoning district on purpose. The uses allowable by right in C-1 were intentionally selected to provide for a variety of goods and services within a pedestrian friendly commercial environment that are compatible to adjacent residential areas. In fact, drive-throughs are not a use that is permitted by right, even in the City’s most intense commercial districts of HDC and S-1. Therefore, one can conclude that even in the most intense, automobile oriented commercial zoning districts, there is a strong potential for problems associated with the construction and operation of drive through facilities.

Drive through facilities for banks do not operate and are not constructed like a bank without a drive through. In order to construct a drive through facility, larger driveways are needed and a substantial amount of paved area must be provided for vehicular stacking lanes. Drive through facilities attract automobile traffic on a 24- hour basis, thus increasing noise and odors from idling engines, noise from speaker systems and light intrusion from vehicular headlights. This is further exacerbated by the fact that Clayton’s C-1 designated properties are not of a substantial size or location to easily allow automobile oriented uses. The City’s C-1 designated properties are shallow in depth, small in area and positioned immediately adjacent to residential land uses.

Because of their design and propensity to attract vehicular traffic, drive-through facilities are considered an automobile oriented use that is not pedestrian friendly. Because drive-throughs maximize the use of pavement and minimize useable building space, they create “dead zones” of space, thus dismembering pedestrian navigation corridors and connectivity to other retail services. The requirement for extensive pavement and the automobile orientation of the use will maximize the development of paved areas of the site and minimize areas for buildings and landscape buffering. Clearly the community’s Master Plan and Zoning Regulations were adopted with a vision for pedestrian scale, low intensity retail uses for all properties with a C-1 zoning designation, which is hardly achievable with this proposed amendment.

On August 6, 2012 the Plan Commission considered the request for text amendment and by a vote of 2 to 2, did not recommend adoption of the proposed text amendment. By law, a vote of at least five (5) members of the Board of Aldermen will be required to approve a decision contrary to the Plan Commission’s recommendation. The staff report prepared for the Plan Commission’s and this Board’s consideration follows this summary, and contains the detailed staff analysis upon which this recommendation is based as to the submitted text amendment application.

In conclusion, staff believes allowing a drive-through use is not in harmony with the vision of the Master Plan and the intent of the C-1 zoning district which serves as the lowest intensity commercial zoning utilized in the city’s zoning options. We believe that even through the use of a conditional use process this use will be extremely challenging on the City’s C-1 designated properties because of their small size and immediate proximity to residential land uses.

Staff recommends denial of the requested text amendment for C-1 zoning.

Mayor Goldstein stated that Alderman Boulton is out of town this week and because this is a city-wide decision in the C-1 areas in all three wards she has proposed that they listen to the presentation, hold a public hearing, recommends continuing the public hearing at the next meeting in order to give Alderman Boulton an opportunity to be brought up to speed on the issue. The vote will be delayed until every alderman is present in order to avoid a tie vote.

Mr. Gary Feder, Attorney/Partner, Husch Blackwell, 190 Carondelet Plaza, representative for Greenstreet Real Estate Ventures, LLC and Fifth Third Bank addressed the Board expressing his appreciation to the Board for allowing him to speak first on the agenda. Mr. Feder stated that there are representatives from both companies in the audience and they are here from Ohio. He said that he noticed during the earlier presentation on retail recruitment, one of the slides that listed available properties showed two of the properties that are in question tonight. He said that those two particular properties are currently under contract and he feels that they are appropriate for the retail recruitment program. He commented that the final slides of the presentation encouraged the city to be proactive and he feels that part of his discussion is about the city being creative and receptive to make positive things happen. He referenced the introduction statement from the City's Downtown Master Plan report by Sasaki and pointed out that the Master Plan also references the Maryland Gateway District which relates to the two specific sites in question tonight. The Sasaki report states that "the vision for the Maryland Gateway District is to create a lower density, mixed-use district", which are terms for strategies for zoning to promote a more simplified and more flexible zoning approach. He stated that "flexible" is part of tonight's discussion as it relates to the request. He feels it is more important that the matter is created in a way that will reflect the desire to be receptive to those who wish to invest in our community and fill those empty spaces. He said that being receptive does not mean approving projects, but it does mean giving opportunity to those who wish to be in Clayton and are willing to invest in the city. He said that the request before the Board is generic and it is important for the Board to remember that they are not being asked to approve or disapprove a specific plan or possible development from Fifth Third Bank and Greenstreet for a possible development on Maryland Avenue. He said that they are only asking for a chance for those two organizations to apply to the city for consideration of their potential properties and feels that both parties are being denied and will continue to be denied.

Mr. Feder stated that he represents Phil Hulse of Greenstreet and has contracted to purchase the former Cooper Mini site at 8525 Maryland. He said that Greenstreet has an excellent reputation locally as well as nationally. Greenstreet intends to turn this property into a multi-use development that will include a high-end restaurant with patio seating and possibly an exercise facility and bank institution with an ATM machine and a limited drive-through capacity. Mr. Hulse has talked with Reliance Bank.

Mr. Phil Hulse addressed the Board by showing them a rendition of the use of the property and giving a brief summary of detail for the proposed bank and drive-through.

Mr. Jim Kerley, 139 N. Central Avenue, addressed the Board stressing the importance of maintaining the current zoning as C-1 to preserve the neighborhoods.

Mayor Goldstein again suggested that the Board keep the public hearing open and asked Mr. Feder to meet with Alderman Boulton and provide a presentation to her separately to bring her up-to-date. She said that the public hearing will be heard at the next Board meeting at which then the Board can make a decision.

Alderman Harris moved to continue the public hearing with regard to Bill No. 6345, an ordinance to approve text amendments to Chapter 405 to allow drive through establishments to the next meeting. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

Alderman Harris moved to table Bill No. 6345, an ordinance to approve text amendments to Chapter 405 to allow drive through establishments. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO HOLD A PUBLIC HEARING AND CONSIDER APPROVING THE TAX YEAR 2012 PROPERTY TAX LEVY FOR FY 2013 BUDGET – FIRST READING ONLY

Alderman Harris moved to open the public hearing to consider Bill No. 6343, an ordinance to set the property tax levies for tax year 2012 and request proof of publication. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

City Manager Owens reported that each year the City must approve property tax levies which are then submitted to St. Louis County for billing. Calendar year 2012 was not a reassessment year and there were only slight changes in property values. The City is allowed to receive additional revenue up to the Consumer Price Index which was 3% for this year, and for the value of new construction which was lower than in past years. Per the general fund budget plan, we are submitting the maximum allowable rates for your review.

As part of the property tax levy process, the Board must hold a hearing to seek public input regarding the proposed tax rates. Below, please find the proposed 2012 property tax levy requests for Fiscal Year 2013 (FY 13). These levies are subject to change by the Board of Equalization and through the Missouri State Auditor's certification process. The final rates will be submitted for approval to the Board of Aldermen at the September 11, 2012 meeting.

The General Fund tax levy is projected to generate \$5.798 million which is a 0% increase in revenue over the prior year, therefore the City will collect the same amount as last year. In addition, the City is allowed to recoup \$142,731 from last year's levy because the rates were approved prior to the finalization of assessed valuation appeals. While the tax revenue for the General Fund may be used for any purpose, the debt service levy may only be used to pay the debt service on general obligation bonds. The levy for the debt service is slightly higher this year at \$1.117 million due to FY 13 being the last year of bond payments. The outstanding principal balance on these bonds is \$945,000.

In addition to the levies, the City passed a special levy in 2010 to pay the debt service on the 2009 bonds issued for the police building renovation. The City will not levy this tax until next year when the general obligation bond levy ends.

The following rates are proposed to be levied for the 2012 calendar year (FY 13 budget year), and all rates are per \$100 assessed valuation:

Property Category	2009 Tax Rate	2010 Tax Rate	2011 Tax Rate	2012 Tax Rate	2011 to 2012 Rate Change
-------------------	---------------	---------------	---------------	---------------	--------------------------

Residential	\$0.582	\$0.601	\$0.626	\$0.659	\$0.033
Commercial	\$0.633	\$0.673	\$0.681	\$0.737	\$0.056
Personal	\$0.707	\$0.707	\$0.707	\$0.707	\$0.000
Debt Levy	\$0.091	\$0.091	\$0.091	\$0.130	\$0.039

The schedule provides the total rate, including the debt levy, for residential, commercial and personal property.

Property Category	2009 Total Tax Rate	2010 Total Tax Rate	2011 Total Tax Rate	2011 Total Tax Rate	2011 to 2012 Rate Change
Residential	\$0.673	\$0.692	\$0.717	\$0.789	\$0.072
Commercial	\$0.724	\$0.764	\$0.772	\$0.867	\$0.095
Personal	\$0.798	\$0.798	\$0.798	\$0.837	\$0.039

For a home valued at \$600,000, it is expected that the homeowner would pay approximately \$899 on property taxes for the City of Clayton portion only. Based on last year's rate, the same homeowner would have paid approximately \$817, or an increase of \$82 per year.

The 2012 proposed tax rate is at the maximum allowable rate. The 2012 Special Business District (SBD) tax levy for the FY 2013 budget is projected to raise \$419,538 which is approximately \$13,000 less than last year. This is an intentional reduction to allow the commercial SBD rate to remain the same as last year. The following rates have been levied or are proposed to be levied (all rates are per \$100 assessed valuation):

Property Category	2009 Tax Rate	2010 Tax Rate	2011 Tax Rate	2012 Tax Rate	2011 to 2012 Rate Change
Residential	\$0.070	\$0.108	\$0.110	\$0.121	\$0.011
Commercial	\$0.070	\$0.129	\$0.131	\$0.131	\$0.000

A commercial property, located in the Special Business District assessed at \$2.0 million would pay approximately \$838 in property taxes for the Special Business District portion only. Based on last year's rate, the same commercial property would have paid approximately the same amount.

Recommendation is to conduct a public hearing and approve the 1st reading of the ordinance setting the property tax rates as outlined above.

Alderman Winings commented that the Board has spent the last few months focusing their attention on the budget, having several meetings, public engagements and as part of those discussion they have recognized in the city's proposed three-year budget plan that might have to go to the tax payers with a ballot issue to raise taxes at some point during the foreseeable future. He feels that the city has been very careful about this and it's not a step that is taken lightly with discussion centered around first, spending down the reserve, second, making sure that they have explored every possible cost savings which is all appropriate, but the ordinance troubles him a little. He said that without much fanfare or discussion they will raise taxes on residential by 7% and commercial

property owners by 10% which seem significant to him and he is not sure if he is comfortable with an increase of more than the consumer price index increase.

City Manager Owens stated that some of this increase is due to the required timing of approval of property tax for our budget year which caused us not to capture all of the revenue last year due to the October 1st fiscal year. Most other cities with an earlier fiscal year have their assessed values and rates well before they get to this point, however there is a recoupment process built into the law that provides the ability to capture the lost amount from the prior year in the next year's tax calculations. He said that hopefully on September 11th we will know what the assessed values will be as a result of the appeals process for the property tax payers and will be able to calculate that amount.

Alderman Berger stated that he agrees with Alderman Winings and that the recoup amount is \$142,000 of the total and the 9.5% on commercial is surprising to him and would like some data on what that means to a commercial building.

City Manager Owens stated that examples were sent to the Board and referenced address 231 S. Bemiston - difference is \$7053; The Plaza - \$20,522; Centene Plaza - \$10,803; Pierre Laclede Center One - \$8,367; (smaller businesses) Kitchen Conservatory - \$209; Barcelona - \$137; and Simon's Jewelers - \$264.

Alderman Winings asked a question stating that in terms of not being able to recoup a non-base building tax increase, the city could recoup through a ballot initiative.

City Manager Owens stated that he is correct and what he has proposed in a three-year plan is tied to a debt issue which is dedicated to the retirement of bonds.

Alderman Harris commented that it's true that the dollar amounts are increasing, but in her experience there have been times when they have decreased and what this 3% does is gives the city a chance to flatten out their revenue stream and not have a lot of "spikes" and "valleys". She said that there are times when it will go up or down and depends on the rate and value assessments which certainly the residents and businesses understand.

Mayor Goldstein commented that this is not setting a firm tax rate because there is still an opportunity for adjustment. She noted that while reviewing the data she found the tax rate history interesting. The city property tax is approximately 10% of the total tax bill and also the property taxes on residential and commercial were at a high in 2006 with a significant decrease in residential in 2008, but both commercial and residential went down in 2009. The 2012 rate is currently less than it was in 2006.

Alderman Harris moved to close the public hearing to consider Bill No. 6343, an ordinance to set the property tax levies for tax year 2012. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6343, an ordinance to set the property tax levies for tax year 2012 to be read for the first time by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6343, an Ordinance Levying and Establishing the Rate of Annual Taxes for General Municipal Purposes; Police Building Debt Service; General Obligation Bond Debt Service; and, Special Business District Purposes to be collected by the City of Clayton, Missouri, for the Year 2012 for the first time by title only.

The motion passed 4-2 on a voice vote; Alderman Harris-Aye, Alderman Maddox-Dallas-Aye, Alderman Garnholz-Aye; Alderman Winings – Nay; and Alderman Berger – Nay; Mayor Goldstein – Aye.

AN ORDINANCE AND PUBLIC HEARING TO CONSIDER APPROVAL OF THE PROPOSED FISCAL YEAR 2013 OPERATING AND CAPITAL IMPROVEMENTS BUDGET (FIRST READING)

Alderman Harris moved to open the public hearing to consider Bill No. 6344, an ordinance to approve the FY2013 budget and request proof of publication. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

City Manager Owens gave a very brief presentation on the proposed FY2013 Budget. He noted that everyone has seen the presentation throughout the budget process and encouraged anyone that had questions to email him.

Mayor Goldstein thanked the City Manager for his presentation and also reviewed the history and timeline of the budget process, three public forums on July 17 and 18; the Board conducted a budget work session on July 19 and considered input from the public forums; another work session was conducted on July 26; an additional work session was conducted on August 17, noting that all of the sessions were open to the public. She stressed the fact that the city has truly tried to solicit public input and this is not just the city's budget, but also the community's budget. She emphasized that Clayton is a thriving community and we are very fortunate that there was 110% reserves going into one of the most economically challenging times that she has seen in her business experience. She said that having the reserves has given the city the luxury of being able to seamlessly cut some services based on priorities and input from the citizen survey. They were able to look at this very deliberately, analytically, carefully, and responsibly developing a sustainable budget. After "dipping" into the reserves the city now has a plan for having a balanced budget in three years. Again, the city does not have to make drastic moves, nor does she think that the citizens would want the city to do that, which they have certainly heard through the citizen surveys. She acknowledges that the Board certainly understands the concerns of the business constituents, but also the Board understands their need to have a safe community to which to do business and one in which they can rely on public/fire safety personnel to respond in a timely fashion, be well trained and take care of them. This is a balancing act in understanding the concerns, economic challenges and still providing the services that is needed to continue being a successful business. Now they do not have to make drastic cuts all at once and is preparing for a three-year plan that's implementing some long-term programs such as the D.R.O.P. program and also talking openly about increased revenue contribution in possibly the form of a sales tax, bond issue, or a utility tax which they have not made any decisions about these possibilities. She said that they have been fortunate that the city is financially stable with a AAA credit rating and the city will maintain that hopefully with a 50% reserve that is anticipated having after the start of 2015. She compliments the Board on the amount of effort, thought and time that they put in to all of the meetings, all of the questions, all of the research.

Alderman Garnholz commended City Manager Owens, Janet Watson and the entire city staff on their work during the budget process. She commended the City Manager on his presentations at the public meetings which were very well done and she feels like the city has spent a lot of time and made some hard choices. She looks at the Mission Statement and feels that the city has demonstrated that it is a fiscally responsible government and that they have been open, accessible, and every opportunity for the Board and the public to weigh in has been offered and given and she is very comfortable moving forward.

Mayor Goldstein summarized that the Board received what they had asked the staff to do and that was to deliver a three-year budget plan to try to balance the budget.

Alderman Harris moved to close the public hearing to consider Bill No. 6344, an ordinance to approve the FY2013 budget. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

Alderman Berger expressed that his vote will not be supportive of the ordinance because he cannot vote in favor of a budget with the size of deficit which is his own personal assessment of the numbers previously presented. He wanted to congratulate the staff on the three-year plan, but unfortunately the first year of the plan did not meet his expectation.

Alderman Harris introduced Bill No. 6344, an ordinance to approve the FY2013 Budget to be read for the first time by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6344, for consideration of an ordinance adopting an annual budget for the fiscal year 2013 commencing on October 1, 2012 and appropriating funds pursuant thereto for the first time by title only.

The motion passed (5-1) by a roll call vote - Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Nay; and Mayor Goldstein – Aye.

A RESOLUTION TO CONSIDER APPROVING THE NAMING OF THE DIVE TANK AT SHAW PARK AQUATIC CENTER

City Manager Owens reported that on June 26, 2012, the Clayton Education Foundation submitted an application to the City Clerk requesting that the city consider naming the dive tank at Shaw Park Aquatic Center in honor of Wally H. Lundt, a longtime teacher and coach at Clayton High School as well as a Pool Manager at Shaw Park Aquatic Center. They have proposed naming it the "Wally H. Lundt Dive Tank" and would like to place a plaque on the dive tower indicating this designation. The plaque would also be used to tell the background of Wally's years of service so that future generations would understand why this designation had been made. It is the intent of the Foundation to use this as an opportunity to reach out to the alumni to solicit funds to not only fund the plaque but also raise funds to support their mission.

Per the Board's adopted policy on donations and naming rights, this request was forwarded to the Parks and Recreation Commission for review. The Commission considered this request at their July 19, 2012 meeting and voted in support of the application. There was discussion about the setting of a precedence to name city facilities at the request of the district's foundation as well as some reservations about naming a facility after an employee. With that said, it was supported with one member abstaining from the vote.

This request for naming falls under section 6B of the City of Clayton Donations, Sponsorships and Facility Naming which reads "Naming of a facility for a specific individual or corporation will only be considered if that individual or corporation has made a significant contribution to the City of Clayton. Such contribution may be in the form of outstanding civic service over a prolonged period of time or donation of substantial property or funds for the acquisition/development of the facility."

According to the City's Facility Naming Policy the next step is for the Mayor and Board of Aldermen to formally consider this request and take action if so determined.

Recommendation to consider the resolution authorizing the naming of the dive tank at Shaw Park Aquatic Center to be designated "The Wally H. Lundt Dive Tank".

Alderman Harris moved to approve Resolution No. 12-24, naming the Shaw Park Dive Tank in honor of Wally H. Lundt. Alderman Maddox-Dallas seconded.

Alderman Garnholz expressed her concerns about choosing one person for this type of honor when there are others who also deserve the same honor. She also raised concerns about what "path" is being set for future requests.

In response to Alderman Harris' question, Patty DeForrest stated that Mr. Lundt has been honored for his service with a few plaques and also there was a ceremony held in his honor in 2006.

In response to Mayor Goldstein's question, Patty DeForrest reminded the Board that the new pavilion in Shaw Park is the Enterprise Pavilion.

Alderman Harris suggested that the staff and Board revisit the naming rights policy.

Alderman Berger stated that the legitimacy of the request is identified in the proposed application and is also identified in the policy criteria.

The motion passed unanimously on a voice vote.

9- MONTH FINANCIAL REPORT

City Manager Owens reported that the Board has received a copy of the 9-month Financial Report.

Mayor Goldstein commented that due to the lengthy meeting tonight she suggests that the Board review the financial report individually and email the City Manager with any questions that they may have.

AN ORDINANCE TO CONSIDER AMENDING THE NON-UNIFORMED EMPLOYEES RETIREMENT PLAN TO INCLUDE THE ONE-TIME ADDITION OF A DEFERRED RETIREMENT OPTION PROGRAM – FIRST READING ONLY

Janet Watson gave a presentation on the Deferred Retirement Option Program, referred to as "DROP", and reported that the City has highly committed employees who are well-qualified and who have long tenure with the City. Those employees who are at or near retirement age have described the difficulty of paying for post-retirement medical insurance and the lengthening of age until full social security eligibility. This has caused many employees to remain in the work force longer than desired, which leads to an increase in average compensation and places pressure on the City Budget. In addition, the City has well-qualified less senior personnel who are ready to assume leadership roles.

Staff is recommending offering a one-time, voluntary retirement incentive to address these concerns. This offering will cover all employees who are eligible for full or early retirement as of December 31, 2012. These employees must be age fifty-five (55) with ten (10) years of service, or age sixty, and be vested in the plan. Twenty Non-Uniform employees are eligible for this incentive. This type of incentive provides a lump sum benefit in addition to an individual's normal monthly retirement allowance. The proposed program allows an opportunity to employees to end their employment with the City on December 31, 2012 or December 31, 2013, with the City retaining the right to adjust those dates, if needed.

The pension plan provides the funding mechanism to offer this retirement incentive, paid back by the City over time. The City contracted with the pension plan actuary to perform a cost study of the financial effect of this retirement incentive on the pension plan. The plan is currently 82% funded and if all eligible employees accept the retirement incentive the funding would reduce to 75.4%, and the City's annual financial contribution to the plan would increase by approximately \$20,000 per year. The cost study is attached for your information.

The City has provided all legal notices required for this pension plan amendment, and a detailed presentation will be provided at the Board meeting.

In response to Alderman Berger's question, Ms. Watson stated that the rate for the Non-Uniformed Employees Retirement Fund is 4%, and the rate for Uniformed Employees Retirement Fund is 5%.

Alderman Berger commented that the presentation was very well done.

Alderman Harris introduced Bill No. 6346, an ordinance to approve the DROP program for the Non-Uniformed Employee Retirement Fund to be read for the first time by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6346, an ordinance amending the City of Clayton Non-Uniformed Employees Retirement Plan and Trust by including a one-time offering of a Deferred Retirement Option Program for the first time by title only.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER AMENDING THE UNIFORMED EMPLOYEES RETIREMENT PLAN TO INCLUDE THE ONE-TIME ADDITION OF A DEFERRED RETIREMENT OPTION PROGRAM – FIRST READING ONLY

Alderman Harris introduced Bill No. 6346, an ordinance to approve the DROP program for the Non-Uniformed Employee Retirement Fund to be read for the first time by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6346, an ordinance amending the City of Clayton Non-Uniformed Employees Retirement Plan and Trust by including a one-time offering of a Deferred Retirement Option Program for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6347, an ordinance to approve the DROP program for the Uniformed Employee Retirement Fund to be read for the first time by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6347, an ordinance amending the City of Clayton Uniformed Employees Retirement Plan and Trust by including a one-time offering of a Deferred Retirement Option Program for the first time by title only.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER AMENDING CHAPTER 505 OF THE CLAYTON CODE RELATING TO MOBILE FOOD VENDING EQUIPMENT (FOOD TRUCKS)

Alderman Harris introduced Bill No. 6348, an ordinance to approve an amendment to Chapter 505 to add a new section regarding mobile food vending equipment for the first time by title only. Alderman Maddox-Dallas seconded.

City Manager Owens reported that this amendment is in response to the increasing popularity of food trucks and trailers. The sale or display of merchandise on highways, streets, alleys and sidewalks has generally been prohibited in the City of Clayton. Exceptions have been made during civic events allowing such vendors such as during the St. Louis Art Fair in Clayton and the Farmers Market when the area is closed to vehicles and appropriate safety measures are in place.

Staff recently recognized the need to accommodate its residents and businesses who may wish to utilize such vendors in association with private events, block parties, neighborhood gatherings, and similar occasions while still protecting safe use of streets, sidewalks and city property as well as compliance with health and safety standards. In order to accommodate residents and businesses, promote public safety and strike a reasonable balance between emerging concepts and established business and community paradigms, staff recommends that the Board of Aldermen adopt amendments to Sections 505.100, 505.110, 505.120 and the addition of Section 505.125.

The changes are only to include references to the new section 505.125. Section 505.125 allows food trucks and similar equipment to operate on both city and private property given they meet the following requirements:

1. They serve only private parties and that the host of the event pays the vendor. The vendor is not allowed to take payment from individual customers.
2. They receive a right of way permit from the director of public works.
3. All equipment must be in compliance with health and safety codes.

Clayton businesses licensed to prepare and sell food at retail may use mobile barbeque or smoking equipment and sell directly to the public.

City Attorney O'Keefe reads Bill No. 6348, an ordinance amending Chapter 505 of the Clayton City Code relating to mobile food vending equipment for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6348, an ordinance to approve an amendment to Chapter 505 to add a new section regarding mobile food vending equipment for the second time by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6348 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6224 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING THE PURCHASE OF A VOICE (TELEPHONE) AND UNIFIED COMMUNICATIONS SYSTEM AND REPEALING PREVIOUS ORDINANCE FOR APPROVAL OF SAME

Alderman Harris introduced Bill No. 6349, an ordinance to repeal Ord. No. 6218 and approve a new ordinance to purchase a new phone system for the first time by title only. Alderman Maddox-Dallas seconded.

City Manager Owens summarized to the Board that this would be the same phone system previously approved by the Board, but at a substantial discount which will save the City approximately \$60,000.

City Attorney O’Keefe reads Bill No. 6349, an ordinance approving the purchase of a voice (telephone) and unified communications system and repealing ordinance #6218 on the same subject for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6349, an ordinance to repeal Ord. No. 6218 and approve a new ordinance to purchase a new phone system for the second time by title only. Alderman Maddox-Dallas seconded.

City Attorney O’Keefe reads Bill No. 6349 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6225 of the City of Clayton.

Other

Mayor Goldstein reported that she attended a meeting hosted by MSD over the weekend regarding the downspout separation from the sanitary and storm water systems. Although it is a big deal in St. Louis County it is a minor issue in Clayton which has a very small part of Clayton that it affects, primarily Haddington Court and a small portion of the Clayshire neighborhood. She said that MSD is scheduling educational meetings and the city will reach out to the Clayshire residents who are affected. The downspouts will be disconnected and reconnected appropriately based on separation of sanitary and storm water systems at no cost to the resident. Not all of Clayton is affected because most of Clayton has a combined sanitary and storm water sewer.

Mayor Goldstein commented that there was a great presentation about *ClaytonConnects* this evening and reminded everyone that there are some open forum meetings scheduled on “C” the Future.

Mayor Goldstein reported that there will be another election for the Clayton State Representative, Stacey Newman and Susan Carlson due to mistakes made with balloting. The re-election is scheduled for Monday, September 24th.

Mayor Goldstein announced that Oasis, founded by Marilyn Mann, a Clayton resident, was named as a favorite St. Louis non-profit organization and celebrating their 30th anniversary this year.

Alderman Harris gave an update on the Parks and Recreation Commission. The usage at the ice rink has increased and the dog park is underway in conjunction with CCF. She announced that the Garden Café will close after this weekend.

Alderman Harris reported that one of the Peregrine Falcon chicks that nested here in Clayton has been tracked and sited in Gibson County, Indiana.

There being no further regular business the meeting adjourned at 9:30 p.m.

Mayor

ATTEST:

City Clerk